

Appeal Decision

Site visit made on 24 January 2017

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 February 2017

Appeal Ref: APP/G2713/W/16/3162539

Brindlewood, East Harlsey, North Yorkshire DL6 2DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr John White against the decision of Hambleton District Council.
 - The application Ref 16/00612/FUL, dated 2 March 2016, was refused by notice dated 24 June 2016.
 - The development proposed is construction of 2no 2 storey detached dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Although not referred to in the Council's decision notice, reasons for refusal or officer report, reference has been made in the Council's statement of case to the emerging Local Plan¹. It is, however, at an early stage² and has yet to be submitted for examination and so, in accordance with paragraph 216 of the National Planning Policy Framework (the Framework), this limits the weight that can be attached to its provisions. I have therefore considered the appeal on the basis of the Hambleton Local Development Framework Core Strategy (2007) and the Hambleton Local Development Framework Development Policies (2008).

Main Issue

3. The main issue is the effect of the proposed development upon the character and appearance of the surrounding area.

Reasons

4. East Harlsey is a small village with a strongly linear character and form situated on a ridge-top location in open, expansive countryside surroundings. Although it is characterised by a largely consistent and clearly defined linear street layout and built form, the age, style and size of dwellings varies along the length of the village. However, Brindlewood and the other dwellings beyond the T-junction at the western end of the village have a broadly similar character to each other, being collectively more modern and larger than those in the main body of the village, which are, with the occasional exception of more recent in-fill development, typified by smaller, more modest, and older dwellings.

¹ New Local Plan for Hambleton

² Preferred Options Consultation: Part 2 – Preferred Sites-Northallerton Sub Area October 2016

5. The appeal site is a broadly rectangular site, tucked away behind the more recent bungalow of Brindlewood and a modern steel-framed agricultural building. The site backs on to the rear garden plots of houses located on the main road through the village. To the west lies the garden plot of Brindlewood whilst to the east, beyond a dense field hedgerow, is an open paddock. Brindlewood itself is set back from the road behind a roadside hedge and beyond an open paddock.
6. The development plan consists of the Hambleton Local Development Framework Core Strategy (2007) (CS) and the Hambleton Local Development Framework Development Policies (2008) (DP). CS policy CP17 and DP policy DP32 seek to secure development of the highest quality in both buildings and landscaping, and to ensure that proposals take into account, respect and enhance the local context, distinctiveness and its special qualities including, amongst other factors, local townscape, plot patterns and street layouts.
7. Although CS policy CP4 and DP policy DP9 establish a settlement hierarchy and seek to direct development towards named settlements within that hierarchy, allowing development beyond the development limits of those settlements only in exceptional circumstances, the Council produced Interim Policy Guidance (IPG) in 2015 to reflect the provisions of the National Planning Policy Framework (the Framework). The IPG also sets out general principles for development in villages that it must, amongst other matters, be small in scale, and reflect the existing built form and character of the village.
8. Although the appeal site, and indeed the existing bungalow at Brindlewood, back on to the garden plots of dwellings in the village, I find from my observations of the site and its surroundings that they bear little relation to the main body and form of the village. Brindlewood is set back from the roadside, behind a mature roadside hedge and a paddock area. As a consequence it has a limited street presence. Furthermore, access to Brindlewood and the appeal site is located a short distance to the north of Town End Farm, beyond Goosecroft and the telephone exchange building on the western side of the road. Access to the site is therefore somewhat detached physically from the village and the nature and appearance of the roadside hedge and intervening paddock give the existing dwelling and the appeal site a clear sense of lying beyond the village.
9. Whilst this is not so significant as to render the appeal site isolated in the context of paragraph 55 of the Framework, I find that the proposed development would fail to respect or reflect the strongly linear street layout and character of the village as a whole. I agree that the proposed dwellings would be tucked away behind the existing buildings at, and around, Brindlewood, and as a consequence would not be widely visible from public vantage points. However, this merely reinforces my conclusions in respect of the proposal's failure to reflect and respond to the built form, layout and character of East Harlsey.
10. By virtue of the paddock land surrounding it, and its large rear garden plot, Brindlewood has a spacious, open feel to it. This spaciousness is also reflected in other dwellings on the western edge of the village, and those to the rear of the appeal site where long gardens reflect a transition from village to countryside beyond. In contrast, the proposed dwellings would be sited close to each other and close to the sides and rears of their respective plots. With

only small gaps between and around the dwellings, together with the projecting dining room elements at the rear, I agree that the proposal would result in a crowded and cramped feel at odds with existing properties at Brindlewood and, on the opposite side of the road, to the west. Although the Council have not expanded upon what they consider to represent the village edge form, I nonetheless find that the proposed dwellings would be at odds with the spacious surroundings of Brindlewood, and also of the other existing dwellings at the western end of the village on the opposite side of the road to the appeal site.

11. Thus, for the reasons set out, I conclude that the proposal would fail to accord with CS policy CP17 and DP policy DP32 as it would not respect or enhance the local context and character of the site and its surroundings, nor would it promote local distinctiveness or relate to and respect plot patterns or street layout. In failing to reflect the existing built form and character of the village, I find that the proposal would also be contrary to IPG criterion 2. Taken together, I find these provisions to be consistent with the Framework and its advocacy of seeking to promote or reinforce local distinctiveness.
12. I agree that there are a mix of building styles, ages, sizes and construction materials evident throughout the village. I note too, that there is no disagreement between the parties in terms of the effect of the proposal on the living conditions of occupiers of neighbouring properties, or in terms of highway safety. Whilst these factors weigh modestly in favour of the proposal they do not outweigh the harm that I have identified above.
13. I have been referred to several other proposals for dwellings in and around East Harlsey. However, I do not have the full details of those proposals or the circumstances that led to those proposals being accepted, and so cannot be sure that they are comparable to the appeal proposal in respect of scale, form, location and appearance. I have in any event determined the appeal on its own merits. I note too, comments in respect of sites put forward for consultation as part of the Preferred Options Consultation process, but I afford these very limited weight given the early stage of the emerging local plan.

Other Matters

14. A short distance to the east of the appeal site, beyond the adjoining field enclosure, lie a site and buildings which, I am led to believe, are used for the purposes of cutting logs into firewood. It has been suggested in the Council's Environmental Health Officer's consultation response that these activities are undertaken between 08:00 and 17:00 during the week and occasionally at weekends.
15. I have not been presented with any evidence to doubt the potential extent of operations at what has been described as being a long standing operation within the village. Nor, however, have I been presented with any compelling evidence to demonstrate that these operations do, or have, adversely affected the living conditions of occupiers of existing residential properties close to that site.
16. At the time of my site visit I was unable to discern the noise from any such activity. I note the appellant's contention that activities have, in the recent past, reduced and that my visit only provides a snapshot of the site and its surroundings. Whilst previous complaints regarding log cutting operations

have been referred in the Council's submission, it seems that those matters were resolved informally between the respective parties.

17. Whilst the cutting of logs at this nearby site may well generate noise, it has not been demonstrated that that would be harmful to the living conditions of future occupiers of the proposed dwellings. The appellant has suggested that appropriately worded conditions would provide a suitable basis for the assessment, and subsequent mitigation of, any potential impacts arising from activities near to the appeal site. I agree. However, as I have already concluded that the proposal would have a harmful effect on the character, form and appearance of East Harlsey, this matter has not been a determinative factor in my overall conclusion.

Conclusion

18. For the reasons set out above, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR